UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,693	02/16/2001	Rocky Stewart	BEAS-01033US5	3894

7590 12/28/2006 Sheldon R. Meyer, Esq. FLIESLER DUBB MEYER & LOVEJOY, LLP Fourth Floor Four Embarcadero Center San Francisco, CA 94111-4156	

EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/785,693	STEWART ET AL.
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-12,14-20,22-24,28,30,31 and 34-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-12,14-20,22-24,28,30,31 and 34-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/28/2006, 11/29/2006

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1,

11, 38 and 39 are amended. Claims 1, 2, 4-12, 14-20, 22-24, 28, 30, 31 and 34-39 are presented for

further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant

to 37 CFR 1.114. Applicant's submission filed on 10.11.2006 has been entered.

Response to Arguments

4> Applicant's arguments have been fully considered but they are not persuasive.

Applicant's amendments do not overcome the prior art reference, Kuznetsov. Applicant

improperly characterizes Kuznetsov as being directed towards translating between network

protocols but does not appear to disclose an extensible business protocol, concluding that

Kuznetsov's protocols and formats differ substantially from the B2B business protocols cited

in claim 1.

First, Kuznetsov discusses the background of his invention:

"the use of XML is growing as it becomes the preferred data format in both business-to-business (B2B) and business-to-consumer (B2C) Web commerce sectors (e-business). The tremendous and continuing growth of XML in B2B applications has led to a great number of different XML e-business vocabularies and schemas" [column 1 «lines 56-62»].

The rest of the background goes on to discuss prior art's attempts to provide an means for the various "vocabularies" and protocols to be able to communicate with one another. Kuznetsov discloses that his invention is directed at providing "high level transformation method and apparatus for converting data formats in the context of *e-business applications*" (emphasis added) [column 4 «line 66» to column 5 «line 1»]. Therefore, Kuznetsov does disclose an extensible business protocol (XML) and is entirely directed at providing intercommunications between protocols of business applications, and not network protocols as asserted by Applicant.

Second, Kuznetsov discloses all the amended limitations as claimed as set forth in the rejections that follow. As Applicant's amendments do not overcome the prior art reference combination of Meltzer and Kuznetsov, the rejections set forth in the final rejection, filed 4.12.2006 are maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5>   Claims 1, 11, 24, 28, 34, 36, 36, 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a.   Claim 1 lack proper antecedent basis: "the different business protocols", "the

business protocol being used". Claims 11, 24, 28, 34, 36, 36, 38 and 39 are rejected for

similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6>   Only those claims that have been amended by Applicant are formally addressed in

this action. The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

7>   Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17 and 22-33 are rejected under 35 U.S.C § 103(a) as being

unpatentable over Meltzer et al, U.S Patent No. 6.226.675 ["Meltzer"], in view of Kuznetsov,

U.S Patent No. 6.772.413.

8>   As to claim 1, Meltzer discloses a conversation manager executing on an intermediate

collaboration server for managing the flow of messages in a collaboration system,

comprising:

a conversation initiation logic that initiates a conversation among a plurality

participants, wherein said conversation is a collective set of messages by the plurality of

participants exchanged according to an extensible protocol [column 2 «lines 31-44» | column 6

«lines 29-61» | column 7 «lines 6-16» | column 10 «lines 60-65» | column 27 «line 65» to

column 28 «line 14» | column 80 «lines 22-44» where: Meltzer's documents are analogous to

messages, the interaction between the Meltzer's participants is analogous to a conversation];

a participation registration logic that registers said participants in said conversation

[Figure 13 | column 5 «lines 20-30» | column 8 «lines 62-64»]; and

a conversation repository that stores conversation management data used to manage

said conversation among said plurality of participants [column 5 «lines 20-30» | column 10

«line 66» to column 11 «line 10»].

However, Meltzer does not expressly disclose a plurality of business protocol

handlers, a plurality of decoders, a plurality of encoders or a transport configured to accept

messages using any of the different business protocols.

9>   In the same field of invention, Kuznetsov is directed towards providing multi-

protocol support for data exchange between businesses [column 2 «lines 2-23» | column 4

«line 66» to column 5 «line.3»].

Kuznetsov discloses an one of the purposes of his invention is to provide high level

protocol transformation, including transforming one XML vocabulary to another XML

vocabulary [column 3 «lines 10-16» | column 14 «lines 51-59»];

a plurality of business protocol handlers, each of which are configured to recognize a

different business protocol vocabulary[column 7 «line 66» to column 8 «line 7»| column 10 «lines 24-67»], and which may be used by a participant to send and to receive messages according to the particular business protocol vocabulary and process flow used by that participant [Figures 8A, 8B | column 14 «lines 51-59» where : item 750 utilizes one particular business vocabulary that is translated to the business vocabulary seen in item 756];

a plurality of decoders that receive incoming messages from senders, identify protocol-specific headers in the incoming messages and assign the incoming messages to an appropriate business protocol handler [column 9 «line 58» to column 10 «line 54» : headers and other selected fields are parsed to detect the data format and protocol being used, wherein the appropriate handler is selected based on the kind of protocol and format];

a plurality of encoders that send outgoing messages to recipients, including assigning the outgoing messages to an appropriate business protocol handler that matches the business protocol vocabulary of the recipients [Figure 5 | column 9 «line 34» to column 10 «line 67» where : the translators are analogous to encoders ("selects the corresponding translator"), and the communication manager 617 is analogous to a handler ("the data handler routes the output sequence to an appropriate outgoing communication manager")]; and

a transport configured to accept messages from the participants using any of the different business protocols, identify the business protocol being used [column 6 «lines 51-62» | column 7 «lines 63-66» | column 8 «lines 8-19» | column 10 «lines 24-46»], and invoke one or more of said plurality of decoders and encoders to communicate the messages between a first participant using a first business protocol vocabulary, and a plurality of other participants

using different business protocol vocabularies [Figure 8B | column 14 «lines 28-59» :

transforming from an input XML vocabulary to an output XML vocabulary].

Kuznetsov utilizes the above functionality to enable data communication between

two business users who utilize disparate protocols or formats [column 8 «lines 8-19»].

Meltzer does not expressly disclose this functionality and thus would benefit from

Kuznetsov's multiprotocol capability. It would have been obvious to one of ordinary skill in

the art to improve Meltzer by incorporating Kuznetsov's teachings such that disparate users

may communicate even if both utilize different business protocols. Further, one would have

been motivated to combine the references as Kuznetsov improves upon Meltzer by

"facilitat(ing) the efficient exchange of data between network nodes of different protocols by

dynamically adapting to protocol and format changes" and "allows many more formats and

protocols to be accommodated transparent to the users" [see Kuznetsov, column 5 «line 62»

to column 6 «line 2»].

10>   As to claim 11, as it does not teach or further define over the previously claimed

limitations, claim 11 is rejected for similar reasons as set forth for claim 1, above.

11>   Claims 6, 8, 9, 16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable

over Meltzer and Kuznetsov, in view of Borwankar.

12>   Claims 10 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Meltzer, Kuznetsov and Borwankar, in further view of Pinard et al, U.S Patent No. 6.230.287

["Pinard"].

13>   Claims 34-39 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer

and Kuznetsov, in further view of Burridge, U.S Patent No. 6.446.116.

1>   It should be noted that the limitation "thereby allowing said conversation to use

multiple URLs to support multiple business protocols" does not limit the invention because it

is merely a recitation of the invention's intended use. A recitation of the intended use of the

claimed invention must result in a structural difference between the claimed invention and

the prior art in order to patentably distinguish the claimed invention from the prior art.

2>   As to claims 34-37, Meltzer and Kuznetsov do not expressly disclose that the business

protocol is identified by a URL used by the participants to communicate with said

conversation, thereby allowing said conversation to use multiple URLs to support multiple

business protocols or that each collaboration space and business protocol combination is

subsequently identified by a unique URL.

3>   In the same field of invention, Burridge is directed towards a system for enabling

collaboration between users that is independent of the users' underlying network protocols

[column 1 «lines 49-53»]. Burridge discloses a collaboration space between users, each space

being a collection of messages between the users [column 4 «lines 6-16»]. Burridge

implements such a system by utilizing URLs to identify user protocols and the collaboration

spaces of the users and each collaboration space and business protocol combination is

subsequently identified by a unique URL [column 6 «line 59» to column 7 «line 29»].

It would have been obvious to one of ordinary skill in the art to modify Meltzer and

Kuznetsov's system by incorporating Burridge's URL functionality to enable collaboration

between the business users in Meltzer and Kuznetsov's. Burridge's URL specifies the

particular protocols used by the users. In combination with Meltzer and Kuznetsov, who

both are concerned with interoperability between businesses and their protocols, it would

have been obvious to modify Burridge to incorporate each business' desired protocol to

enable efficient communication between each of the businesses and to enable collaboration

sessions between these users.

14>   As to claims 38 and 39, as they do not teach or further define over the previously

claimed limitations, they are similarly rejected for at least the same reasons set forth in

claims 1, 34 and 35, supra.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

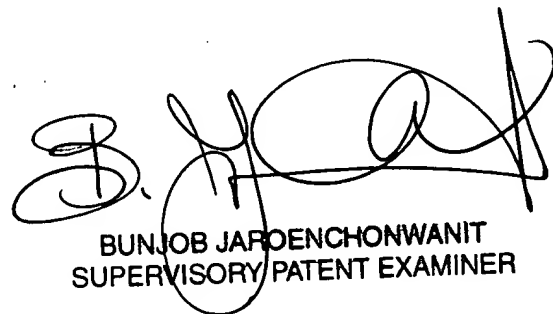Quatrano et al, U.S Patent No. 6.748.420;

Chen et al, "eCo Architecture for Electronic Commerce Interoperability", June 29, 1999, CommerceNet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

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SUPERVISORY PATENT EXAMINER